

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
SDNY CIVIL UNIT
2017 OCT -5 PM 3:32

LARRY McNAIR; ROMEL ROBINSON;

ATREYU SCALES; DUPREE GALES; ET AL;

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

COMPLAINT
(Prisoner)

N.Y.C.D.O.C. COMM. CYNTHIA BRANN;

E.M.T.C. WARDEN KISA SMALLS; DEPUTY

Do you want a jury trial?

☒ Yes ☐ No

WARDEN OF SECURITY BAILEY; CAPTAIN SKUPIEN

7 LOWER HOUSING AREA SUPERVISOR

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☒ Other: ENVIRONMENTAL HEALTH LAWS

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>LARRY</u>		<u>McNAIR</u>
First Name	Middle Initial	Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

#3001700204

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

ERIC M. TAYLOR CENTER (E.M.T.C.)

Current Place of Detention

10-10 HZEN ST, E.M.T.C.

Institutional Address

EAST ELMHURST,

N.Y.

11370

County, City

State

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☒ Other: PAROLE VIOLATORS

PLAINTIFF NO. 2. ~~ORVILLE SWABY, A.K.A. ROMEL ROBINSON~~ #1411705291
Romel Robinson
10-10 HAZEN ST, E.M.T.C.
EAST ELMHURST, N.Y. 11370

PLAINTIFF NO. 3. DUPREE GALES #1411703681
10-10 HAZEN ST, E.M.T.C.
EAST ELMHURST, N.Y. 11370

PLAINTIFF NO. 4. ATREYU SCALES #34917009078

PLAINTIFF NO. 5. GERALD EVANS #3491709339

PLAINTIFF NO. 6. LUIS GONZALEZ #9801700591

PLAINTIFF NO. 7. SHAMEEK BERNARDEZ #9001700461

PLAINTIFF NO. 8. QUAVON CONNOR #2411704701

PLAINTIFF NO. 9. JAMOND SCOTT #3001700477

PLAINTIFF NO. 10. JAMES LANGLEY #8951101084

PLAINTIFF NO. 11. DANIEL TAYLOR #9001700435

PLAINTIFF NO. 12. terell st. john #8251701058

10-10 HAZEN ST, E.M.T.C.
EAST ELMHURST, N.Y. 11370

PLAINTIFF NO. 13. RODNEY POINDEXTER #8951701195

PLAINTIFF NO. 14. CHASE GULLAT #2411703083

PLAINTIFF NO. 15. FREDERICK ROBERSON #4411707458

PLAINTIFF NO. 16. MARCOS GARCIA #1\$1141707458

PLAINTIFF NO. 17. DIAZ ROBERTO #1411706671

PLAINTIFF NO. 18. PARRA CHRISTIAN #4411706262

PLAINTIFF NO. 19. JOSE JIMINEZ #5411701198

PLAINTIFF NO. 20. RONALD WEARING #2411703570

ALL PLAINTIFFS RESIDE AT THE SAME ADDRESS: 10-10 HAZEN ST, E.M.T.C.
EAST ELMHURST, N.Y. 11370

DATED: SEPTEMBER 28, 2017

ALL PLAINTIFFS IN THIS ACTION.

PLAINTIFF NO. 21. Delano Gomez. Delano Gomez
2411700974

PLAINTIFF NO. 22. Victor Cain 1411706431

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

CYNTHIA BRANN

First Name	Last Name	Shield #
NEW YORK CITY DEPARTMENT OF CORRECTION COMMISSIONER		
Current Job Title (or other identifying information)		
75-20 ASTORIA BLVD.		
Current Work Address		
EAST ELMHURST, N.Y. 11370		
County, City	State	Zip Code

Defendant 2:

KISA SMALLS

First Name	Last Name	Shield #
ERIC M. TAYLOR CENTER WARDEN		
Current Job Title (or other identifying information)		
10-10 HAZEN ST, E.M.T.C.		
Current Work Address		
EAST ELMHURST, N.Y. 11370		
County, City	State	Zip Code

Defendant 3:

MS BAILEY

First Name	Last Name	Shield #
E.M.T.C. DEPUTY WARDEN OF SECURITY		
Current Job Title (or other identifying information)		
10-10 HAZEN ST, E.M.T.C.		
Current Work Address		
EAST ELMHURST, N.Y. 11370		
County, City	State	Zip Code

Defendant 4:

CAPTAIN SKUPIEN

First Name	Last Name	Shield #
E.M.T.C. 7LOWER HOUSING AREA SUPERVISOR		
Current Job Title (or other identifying information)		
10-10 HAZEN ST, E.M.T.C.		
Current Work Address		
EAST ELMHURST, N.Y. 11370		
County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: HOUSING AREA 7 LOWER IN THE ERIC M. TAYLOR CENTER

Date(s) of occurrence: FROM JUNE 2017 TO THE PRESENT AND CONTINUING FROM

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

THIS DAY FORWARD IT HAS BEEN UNCOVERED BY AN INSPECTOR DEFENDANT
MS. CAULDWELL THAT THE DEADLY LONG TERM CANCEROUS(LUNG) AND MESO-
THELIOMA CASING ABESTOS HAS BEEN LIVING AND CONTINUES TO GROW
IN HOUSING AREA 7 LOWER OF THE ERIC M. TAYLOR CENTER ON RIKERS
JUST AS FAST AS IT WAS DISCOVERED THE PLINTIFFS IN THIS ACTION SHOULD
HAVE BEEN IMMEDIATELY MOVED TO A SAFE AREA OF CONFINEMENT INSIDE
THE ERIC M. TAYLOR CENTER TO A SAFE ENVIRONMENT THAT WOULD NOT
SUBJECT EACH PLAINTIFF TO THGE DEADLY DISEASE KNOWN AS LUNG CANCER
FOR THE DIRECT CONSUMPTION OF CANCEROUS LIKE TOXINS KNOWN AS ABESTOS.
THE NEW YORK CITY DEPRTMENT OF CORRECTION DEFENDANTS NAMED IN THIS
ACTION ARE RESPONIBLE FOR THE CARE CUSTODY AND CONTROL OF THE
PLAINTIFFS IN THIS ACTION THAT EXTENDS BEYOND MEDICAL AND OBLIGATE
THESE DEFENDANTS WITH A SWORN DUTY TO UPHOLD EACH PLAINTOIFFS
CONSTITUTIONAL RIGHTS CONSISTENT WITH THE EIGHTH AND FOURTEENTH
AMENDMENTS INCLUDING THEC CLAUSE IN THE FOURTEENTH AMENDMENT KNOWN
AS THE EQUAL PROTECTION CLAUSE WHERE THEY HAVE A MANDATORY DUTY AND
RESPONSIBILITY TO PROVIDE SAFE LIVING CONDITIONS INSIDE EACH
FACILITY THAT IS OIN OPERATION AND FUBCTIONING ON RIKERS ISLAND
TO HAVE PRIOR NOTICE VIA AN BOARD OF CORREC TION INSPECTOR THAT A
LIVING DESTRUCTIVE TOXIN IS PRESENT IN A DORMITORY GIVES THEM THE
POWER AND MOTIVE TO EVBQUATE EACH PLAINTIFF TO AN AREA THAT IS SAFE, AND

HEALTHY FOR THE DAILY SURVIVAL OF EACH PLAINTIFF. THERE IS A MUNICIPALITY DUTY UNDER THE COLOR OF STATE LAW FOR ALL THE DEFENDANTS NAMED IN THIS ACTION TO AFFORD EACH PLAINTIFF THE RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT WHERE THE ACT IS CARRIED OUT DELIBERATELY THAT POSES A DANGER TO EACH PLAINTIFF WITH EVERY BREATH THAT IS TAKEN IN THESE TYPES OF ENVIRONMENT. THE CAPTAIN SKUPERN DEFENDANT HAS HAD DIRECT KNOWLEDGE VIA LOGBOOKS THAT ARE SIGNED DURING HIS SEVERAL ROUNDS TO KNOW THAT THE ENVIRONMENT THAT THE PLAINTIFFS ARE LIVING UNDER POSES A DIRECT AND IMMEDIATE TO THE LIVES OF DETAINEE, AND/OR PROLE VIOLATOR IN THAT SPECIFIC AREA, AND TO TURN THE OTHER CHEEK IS A DELIBERATE AND NEGLIGENT ACT NOT PERMITTED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. IT BECOMES A DEPRAVED INDIFFERENCE WHEN THE KNOWLEDGE IS PRESENT AND THE RESPONSE TO RECTIFY BECOMES WHAT SEEMS LIKE AN ETERNITY TO THE PLAINTIFFS, BECAUSE EVERY BREATH THEY TAKE HAS THE GREATEST POTENTIAL TO BE THEIR LAST. THE DEFENDANT N.Y.C.D.O.C. COMMISSIONER CYNTHIA BRANN WAS NOTIFIED VIA COMPLAINTS VIA MAIL, BUT MADE NO EFFORT TO AT LEAST MODIFY THE PROBLEM. THE WARDEN KISA SMALLS DEFENDANT AND DEPUTY WARDEN OF SECURITY HAVE SOLE RESPONSIBILITY OF THEIR JAIL CONSIST WITH THE MINIMUM STANDARDS OF THE BOARD OF CORRECTION TO AT LEAST HAVE ASBESTOS EXPERTS TO REMOVE THE LIVING DEADLY TOXINS REMOVED FROM THE DORMITORY WHERE AT LEAST SIXTY(60) LIVES ARE AT STAKE DAILY. RUSTY PAINT CHIPS ARE CONSTANTLY FLOATING IN THE AIR AND BEING DIGESTED WRONGFULLY BY EACH PLAINTIFF, WHOM HAVE BEEN AWAKENING WITH PHLEGMY IN THEIR CHEST LET ALONE WHATEVER ASBESTOS TOXINS ARE COMBINED WITH THE DEADLY SUBSTANCE. EVERY PLAINTIFF IS AND HAS ACCESS TO EVERY PROCESS DUE UNDER THE FOURTEENTH, AN FIRST AMENDMENT TO BE FREE TO EXPRESS THEIR CONCERNS TO THE ADMINISTRATION WITHOUT RETALIATORY RESPONSES FROM THAT ADMINISTRATION WHEN THE THREAT OF INFRACTIONS ARE ADVISED FOR FUTURE AND FURTHER COMPLAINTS ABOUT CHANGES THAT WILL IN FACT EXTEND THE LIVES OF THE PLAINTIFFS INSTEAD OF ENDING IT WITH THE CONTRACTION OF LUNG CANCER AND THE DEADLY DISEASE MESOTHELIOMA

BOTH THESE DISEASES ARE KNOWN TO COME AND DERIVE FROM ABESTOS LIVING IN THAT PARTICULAR ENVIRONMENT. THE DEPARTMENT OF CORRECTION MEANS TO FOLLOW A PATTERN OF BEHAVIOR THAT DOES NOT EXIST OUTSIDE OF ONE'S CONSTITUTIONAL RIGHTS. THERE ARE PUBLIC HEALTH LAWS THAT APPLY TO INSTITUTIONS AS WELL AS OUTSIDE HEALTH ORGANIZATIONS AS WELL AS INSIDE A JAIL SYSTEM, AND/OR THEY TOO ARE LIABLE UNDER THE FLAG SPORTING STARS. WHICH GIVES EACH PLAINTIFF A LIBERTY TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT THAT IS CARRIED OUT IN A SADISTIC AND MALICIOUS MANNER WITH THE SOLE PURPOSE BEING THAT EXIST IN FACT CAUSING GRAVE HARM THAT COULD LEAD TO SERIOUS AND PERSISTENT ILLNESSES CAUSED BY ABESTOS PLACING EVERY PLAINTIFF IN THIS ACTION IN THE THREAT OF IMMINENT DANGER WITH EVERY BREATH THEY TAKE INSIDE A DORMITORY WITH ABESTOS WHICH CAN EASILY BE DESCRIBED AS THE ONCE RUNNING GAS CHAMBER. (GAS)!!!

IN LIGHT OF THE FOREGOING, AND AS A MATTER OF LAW AND FINALLY THE MENTAL AND PHYSICAL HEALTH OF ALL THE PLAINTIFFS, WE PRAY THAT THIS COURT GRANT THIS APPLICATION TO PROCEED WITHOUT PREPAYMENT OF THE FILING FEES THAT IS IN FORMER PAUPERIS IN SEEKING JUSTICE IN A HUMANE SENSE, AND FOR WHAT EVER ELSE THIS COURT MAY DEEM JUST AND PROPER.

DATED: SEPTEMBER 28, 2017

RESPECTFULLY SUBMITTED,

LARRY MCNAIR, PLAINTIFF, PRO SE.

IN FURTHERANCE OF THIS ACTION, AND TO BE INCLUDED, THE PLAINTIFFS HAVE COME TO THE REALIZATION THAT THE PEELING PAINT CHIPS FALLING IS AND ARE CONTAINED WITHIN THE DEADLY LEAD POISONING TOXINS THAT ALSO HAS A FUTURISTIC DEADLY CONTRACTION RELATED TO CANCEROUS AFFECTS DO AND IN THE BIOLOGICAL MAKE-UP OF EACH PLAINTIFF THAT MAY CAUSE AND/OR LEAD TO DEATH. MAINTENANCE MEMBERS OF THE ERIC M. TAYLOR CENTER HAVE ALSO CONFIRMED THROUGH EXPERIENCE IN WORKING AROUND THESE DEADLY TOXIC CHEMICALS THAT THE PLAINTIFFS LIVES ARE NOW IN CLEAR AND PRESENT DANGER, AND THERE IS NO REVERSE AND/OR KNOWN CURE FOR EMINENT STATUS OF PLAINTIFFS HEALTH EACH BREATH COULD SILENTLY BE EACH PLAINTIFFS LAST.

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

PLAINTIFFS SUFFER FROM THE FUTURE RISK OF CONTRACTING THE DEADLY DISEASE CANCER OF THE LUNGS, SKIN INFECTIONS, SCRATCHY THROATS MIGRAINE HEADACHES, DEPRESSION, PANIC ATTACKS, ANXIETY RASHES, SHINGLES, MESOTHELIOMA, THROAT CANCER PROSTATE CANCER, ETC;

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

PLAINTIFFS SEEK PAIN AND SUFFERING DAMAGES FROM EACH DEFENDANT IN THEIR INDIVIDUAL, AND OFFICIAL CAPACITY IN THE AMOUNT OF \$25,000.00 PLAINTIFFS ALSO SEEK EMOTIONAL STRESS, AND MENTAL ANGUISH DAMAGES FROM EACH DEFENDANT IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY IN THE AMOUNT OF \$25,000.00. PLAINTIFFS SEEK PUNITIVE DAMAGES FROM EACH DEFENDANT IN THEIR INDIVIDUAL CAPACITY IN THE AMOUNT OF \$50,000.00 FOR A SUBTOTAL AMOUNT OF SIX HUNDRED THOUSAND DOLLARS. PLAINTIFFS ALSO ASKS THAT THE COURT ORDER THE IMMEDIATE CLOSING AND EVACUATION OF ALL INMATES.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

SEPTEMBER 28, 2017

Dated
LARRY

Plaintiff's Signature
McNAIR

First Name Middle Initial
10-10 HAZEN ST, E.M.T.C.

Last Name

Prison Address
EAST ELMHURST,

N.Y.

11370

County, City

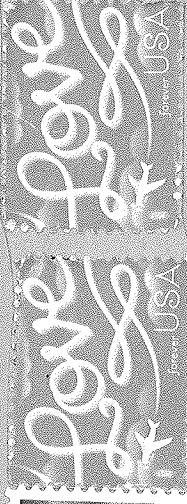
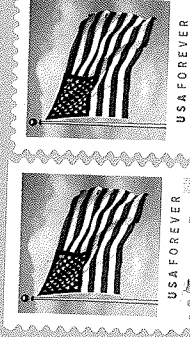
State

Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

9/28/17

MR. LARRY MCNAIR #3001700204
10-10 HAZEN ST, E.M.T.C.
EAST ELMHURST, N.Y. 11370



USMP3
SDNY

RECEIVED
SDNY DISTRICT COURT
2017 OCT -5 PM 2:00

PRO SE INTAKE UNIT, ROOM200
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
U.S. COURTHOUSE-500 PEARL ST.
NEW YORK, N.Y. 10007

"CONFIDENTIAL LEGAL MAIL"

